IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE

TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE**

**And**
**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

WRIT PETITION Nos:

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4974, 18086, 21613, 21627, 21629, 21638, 21641, 21642, 21644, 21646, 21647, 21649, 22887, 23433, 23525, 24910 and 24911 **of 2004,** 7742, 7756, 7757, 8838, 8859, 9814, 9829, 9889, 9945, 9964, 10101, 10102, 10800, 10810, 11102, 11259, 11260, 11264, 11284, 11400, 11569, 11570, 11575, 11704, 11705, 11823, 11907, 11952, 12059 and 12093 **of 2005**.

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**WRIT PETITION NO : 4974 of 2004**

Between:

Osuri Subbarao son of Satyam
Annavarappadi, Peravali Mandalm West Godavari District.

**..... PETITIONER**

AND

1 The Assistant Commissioner (Endowments), West Godavari District.
2 The Commissioner (Endowments), State of AP Hyderabad
3 The State of Andhra Pradesh rep Secretary, Endowments

Department, Secretariat, Hyderabad

4 Person-in-Charge, Sri Kapila Malleswareawamy Temple

Malleswaram ,

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring sec. 3 of AP. Tenancy Laws (Amendment) Act, 28/2002 as unconstitutional and invalid and to hold that the order of the Asst. Commissioner (Endowments) , Eluru as illegal and directing the respondents not to initiate any action to evict the petitioner from the lands held by him as tenant of 4th respondent.

**Counsel for the Petitioner: MR.I.RAMAKRISHNA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 21613 of 2004**

Between:

Smt.Maddas Savitramma W/o.Sadhu Sinderdsingh
R/o.Gunupudi, Bhimavaram, West Godavari District.

**..... PETITIONER**

AND

1 The State of A.P. rep by the Secretary, Endowments Department,

Government of A.p., Hhyderabad.
2 The Dy Commissioner (Endowments), Kakinada, East Godavari

District.
3 The Asst.Commissioner (Endowments), Eluru, West Godavari

District.
4 Sri Someswara Janrdhanawamy Temple rep by its Executive Officer
Gunupudi, Bhimavaram.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any appropriate writ order or direction be issued declaring Sec.3 of A.P. Tenancy Laws (Amendment) Act 2003 and Sec.75 of A.P.Act XXX of 1987 and the rules framed in G.O.Ms.No.379 dated 11.03.03 under Sec.82 of the Act as unconstitutional and hold that the proposal to evict the petitioner from the lands held by him, belonging to the 4$^{th}$ respondent as illegal in the interest of justice.

**Counsel for the Petitioner: MR.I.RAMAKRISHNA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 21627 of 2004**

Between:

Sri Gudise Samuel, S/o. Venkaiah,
R/o. Pettala Vemavaram Village, Peravali Mandal, WEST GODAVARI District.

**..... PETITIONER**

AND

1 The Government. of A.P. Rep by the Secretary, Endowments,

Hyderabad.
2 The Commissioner (Endowments) A.P., Hyderabad.
3 The Asst. Commissioner (Endowments) Eluru, West Godavari

District.
4 Sri Agasteswaraswamyvari Templec, Vadali Rep by its Manager,

Vadali in Penugonda Mandal, West Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any appropriate Writ order or direction be issued declaring Sec.3 of A.P.Tenancy laws (Amendment) Act 2003 and Sec 75 of A.P.Act XXX of 1987 and the rules framed in G.O.Ms.No.379 dated 11-03-2003 under

Sec.82 of the Act as unconstitutional and hold that the proposal to evict the petitioner the lands held by his belonging to the 4th respondent as illegal in the interest of justice.

**Counsel for the Petitioner: MR.I.RAMAKRISHNA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 21629 of 2004**

Between:

Sri Nelaprti Robert S/o.Christian, R/o.Gunupudi, Bhimavaram
West Godavari District.

**..... PETITIONER**

AND

1 The State of A.P. Rep by the Secretary, Endowments Department,

Government of AP.,Hyderabad.
2 The Deputy Commissioner (Endowments), Kakinada, East Godavari

District.
3 The Assistant Commissioner (Endowments),
Eluru, West Godavari District.
4 Sri Someswara Janrdhanaswamy Temple rep by its Executive officer
Gunupudi, Bhimavaram.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any appropriate writ order or direction be issued declaring Sec. 3 of A.P. Tenancy laws (Amendment) Act 2003 and Sec.75 of A.P. Act XXX of 1987 and the rules framed in G.O.Ms.No.379 dated 11.3.2003 under Sec.82 of the Act as unconstitutional and hold that the proposal to evict the petitioner the lands held by his belonging to the 4th respondent as illegal in the interest of justice.

**Counsel for the Petitioner: MR.I.RAMAKRISHNA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 21638 of 2004**

Between:

Sri Bonam Satyanarayana S/o.Naganna
R/o.Vadali in Penugonda Mandal WEST Godavari District..

**..... PETITIONER**

AND

1 The State of A.P. rep. by the Secretary Endowments Department,

Government of A.P., Hyderabad.
2 The Deputy Commissioner (Endowments) Kakinda, East

Godavari District.
3 The Assistant Commissioner (Endowments) Eluru, West

Godavari District.
4 Sri Agasteswaraswamyvari Temple, Vadali Rep. by its Manager,

Vadali in Penugonda Mandal, West Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any appropriate writ order or direction be issued declaring Sec. 3 of A.P. Tenancy laws (Amendment) Act 2003 and Sec.75 of A.P. Act XXX of 1987 and the rules framed in G.O.Ms.No.379 dated 11.3.2003 under Sec.82 of the Act as unconstitutional and hold that the proposal to evict the petitioner the lands held by his belonging to the 4th respondent as illegal in the interest of justice.

**Counsel for the Petitioner: MR.I.RAMAKRISHNA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 21641 of 2004**

Between:

Sri Chittoori Sundarao, S/o. Sudarsanam,
R/o. Gunupudi, Bhimavaram in West Godavari District.

**..... PETITIONER**

AND

1 The State of A.P. rep by the Secretary, Endowments Department

Government of A.P.,Hyderabad.
2 The Dy. Commissioner (Endowments) Kakinada, East Godavari

District.
3 The Asst. Commissioner (Endowments) Eluru, East Godavari District.
4 Sri Someswara Janrdhanaswamy Temple of Gunupudi, Bhimavaram,

Rep by its Executive Officer

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any appropriate Writ order or direction be issued declaring Sec.3 of A.P.Tenancy laws (Amendment) Act 2003 and Sec 75 of A.P.Act XXX of 1987 and the rules framed in G.O.Ms.No.379 dated 11-03-2003 under Sec.82 of the Act as unconstitutional and hold that the proposal to evict the petitioner the lands held by his belonging to the 4th respondent as illegal in the interest of justice.

**Counsel for the Petitioner: MR.I.RAMAKRISHNA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 21642 of 2004**

Between:

Sri Namala Janakiramaiah, S/o Pattabhiramaiah,
R/o Vadali in Penugonda Mandal, West Godavari District.

**..... PETITIONER**

AND

1 The State of A.P., rep. by the Secretary, Endowments Department, Government of Andhra Pradesh, Hyderabad.
2 The Deputy Commissioner (Endowments), Kakinada, East

Godavari District.
3 The Assistant Commissioner (Endowments), Eluru, West

Godavari District.
4 Sri Agasteswaraswamyvari Temple, Vadali , Rep. by its Manager, Vadali in Penugonda Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any appropriate writ order or direction be issued declaring Sec. 3 of A.P. Tenancy laws (amendment) Act 2003 and Sec. 75 of A.P. Act XXX of 1987 and the rules framed in G.O.Ms.No. 379 dated 11-3-03 under Sec. 82 of the Act as unconstitutional and hold that the proposal to evict the petitioner the lands held by his belonging to the 4th respondent as illegal in the interest of justice.

**Counsel for the Petitioner: MR.I.RAMAKRISHNA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 21644 of 2004**

Between:

Sri Udisi Venkata Krishna Rao, S/o. Ramaswamy,
R/o. East Vipparu in Iragavaram Mandal, West Godavari District.

**..... PETITIONER**

AND

1 The State of A.P., rep. by the Secretary
Endowments Department, Government of A.P., Hyderabad.
2 The Deputy Commissioner ( Endowments), Kakinada, East Godavari

District.
3 The Assistant Commissioner ( Endowments), Eluru, West

Godavari District.
4 Sri Visweswara & Vignaswaraswamy Temple, Rapaka,
rep. by its Manager, Rapaka, Iragararam Mandal, West

Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ of Mandamus or any appropriate writ order or direction be issued declaring Sec.3 of A.P. Tenancy laws (Amendment) Act 2003 and Sec. 75 of A.P. Act XXX of 1987 and the rules framed in G.O.Ms.No.379 dt. 11.3.2003 under Sec. 82

of the Act as unconstitutional and hold that the proposal to evict the petitioner the lands held by his belonging to the 4th respondent as illegal in the interest of justice.

**Counsel for the Petitioner: MR.I.RAMAKRISHNA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 21646 of 2004**

Between:

Kothapalli Prasad, S/o Sambamurthy,
R/o Ramannapalem Village, Penugonda Mandal, WEST Godavari District..rict

**..... PETITIONER**

AND

1 The State of A.P.rep.by the Secretary, Endowments Department,

Government of A.P., Hyderabad
2 The Deputy Commissioner (Endowments), Kakinada, East

Godavari District.
3 The Asst.Commissioner (Endowments), Eluru, West Godavari

District.
4 Sri Agasteswaraswamyvari Temple, VAdali rep.by its Manager,
Vadali in Penugonda Mandal, West Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any appropriate Writ order or direction be issued declaring Sec.3 of A.P.Tenancy laws (Amendment) Act 2003 and Sec 75 of A.P.Act XXX of 1987 and the rules framed in G.O.Ms.No.379 dated 11-03-2003 under Sec.82 of the Act as unconstitutional and hold that the proposal to evict the petitioner the lands held by his belonging to the 4th respondent as illegal in the interest of justice.

**Counsel for the Petitioner: MR.I.RAMAKRISHNA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 21647 of 2004**

Between:

Smt.Dundi Sugunamma W/o.Venkataratnam
R/o.Gunupudi Bhimavaram in West Godavari District..

**..... PETITIONER**

AND

1 The State of A.P. rep. by the Secretary Endowments Department,

Government of A.P., Hyderabad.
2 The Deputy Commissioner (Endowments) Kakinda, East Godavari

District..
3 The Asst. Commissioner (Endowments) Eluru, West Godavari

District..
4 Sri Someswara Janrdhanaswamy Temple of Gunupudi, Bhimavaram,

rep. by its Executive Officer.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any appropriate writ order or direction be issued declaring Sec. 3 of A.P. Tenancy law (Amendment) Act 2003 and Sec.75 of A.P. Act XXX of 1987 and the rules framed in G.O.Ms.No.379 dated 11.3.2003 under Sec.82 of the Act as unconstitutional and hold that the proposal to evict the petitioner the lands held by his belonging to the 4th respondent as illegal in the interest of justice.

**Counsel for the Petitioner: MR.I.RAMAKRISHNA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 21649 of 2004**

Between:

Sri, Gulanke Krupadanam, S/o. Pramanandam,
R/o. Gunupudi, Bhimavaram in West Godavari District.

**..... PETITIONER**

AND

1 The State of Andhra Pradesh, Rep. by its Secretary, Endowments

Department, Government of Andhra Pradesh, Hyderabad.
2 The Deputy Commissioner (Endowments), Kakinada, East Godavari

District.
3 The Assistant Commissioner (Endowments), Eluru, West Godavari

District.
4 Sri Someswara Janardhanaswamy Temple, of Gunupudi,

Bhimavaram. Rep. by its Executive Officer.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any appropriate Writ order or direction be issued declaring Sec.3 of A.P. Tenancy laws (Amendment) Act 2003 and SEc.75 of A.P. Act XXX of 1987 and the rules framed in G.O.Ms.No. 379 dated 11-03-03 under Sec82 of the Act as unconstitutional and hold that the proposal to evict the petitioner the lands held by his belonging to the 4th respondent as illegal in the interest of justice.

**Counsel for the Petitioner: MR.I.RAMAKRISHNA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 22887 of 2004**

Between:

1 Sri Gandhanam Veeranna, S/o. Raju,
R/o. Kanuru in Penugonda Mandal, West Godavari District.
2 Veera Venkata Satyanarayana, S/o. Raju,
R/o. Kanuru in Penugonda Mandal, West Godavari District.

**..... PETITIONERS**

AND

1 The State of Andhra Pradesh, Rep. by its Secretary,
Endowments Department, Government of Andhra Pradesh,

Hyderabad.
2 The Deputy Commissioner (Endowments), Kakinada, East Godavari

District.
3 The Assistant Commissioner (Endowments), Eluru, East Godavari

District.
4 Sri Ramalingaswaraswami Temple, Kanuru Agraharam, Rep. by its

Manager, Group Temple, Kanuru, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction be issued declaring Sec.3 of A.P. Tenancy Laws (Amendment) Act 2003 and Sec. 75 of A.P. Act XXX of 1987 and the rules framed in G.O.Ms.No.379 dated 11-03-2003 under Sec.82 of the Act as unconstitutional and hold that the proposal to evict the petitioner from the lands held by the petitioner belonging to the 4th respondent as illegal in the interest of justice.

**Counsel for the Petitioner: MR.I.RAMAKRISHNA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 23433 of 2004**

Between:

Sri Kamuju Narasimha Murthy, S/o. Tirupathayya,
R/o. Gunupudi in Bhimavaram, West Godavari District.

**..... PETITIONER**

AND

1 The State of Andhra Pradesh, Rep. by its Secretary, Endowments

Department, Government of Andhra Pradesh, Hyderabad.
2 The Deputy Commissioner (Endowmments), Kakinada, East

Godavari District.
3 The Assistant Commissioner (Endowmments), Eluru, East Godavari

District.
4 The Executive Officer, Sri Someswaraswamy and Janardhana

Swamy Temple, Gunupudi, Bhimavaram, West Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction be issued declaring Sec.3 of A.P. Tenancy Laws (Amendment) Act 2003 and Sec.75 of A.P. Act XXX of 1987 and the rules framed in G.O.Ms.No.379 dated 11-03-2003 under Sec.82 of the Act as unconstitutional and hold that the proposal to evict the petitioner from the lands held by the petitioner belonging to the 4th respondent as illegal in the interest of justice.

**Counsel for the Petitioner: MR.I.RAMAKRISHNA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 23525 of 2004**

Between:

1 Jagathi Timmaraju, s/o Venkataramayya,
r/o Purushothampally Village, Nidavolu Mandal, West Godavari

District.

2 Jagathi Seshagiri, s/o Jagathi Thimmaraju,
r/o Purushothampally Village, Nidadavolu Mandal, West Godavari

District.

3 Jagathi Nehru, s/o Jagathi Thimmaraju,
r/o Purushothampally Village, Nidadavolu Mandal, West Godavari

District.

4 Jagathi Vishnu Bhanu Prasad, s/o Jagathi Thimmaraju,

r/o Purushothampally Village, Nidadavolu Mandal, West Godavari

District..
5 Kadium Satyavathi, w/o Suryanarayana,
r/o Purushothampally Village, Nidadavolu Mandal, West Godavari

District.
6 Peddapudi Venkata Ramana, w/o Satyanarayana,
r/o Purushothampally Village, Nidadavolu Mandal, West Godavari

District.

**..... PETITIONERS**

AND

1 The State of Andhra Pradesh, rep., by its Secretary, Government of

A.P., Endowments Department, Secretariat, Hyderabad.
2 The Commissioner, Endowments Department, Government of A.P.,

Boggulankunta, Tilak Road, Hyderabad.
3 The Deputy Commissioner, Endowments Department,
Kakinada, East Godavari District..
4 The Executive Officer, Feeding Choltry,
Rajanagaram Village and Mandal, East Godavari District..

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus to declare the Form-I notice issued under Rule 5(1) of G.O.Ms.No.379, Rev.(Endts.IV) Department, dt.13-3-2003, by the 4th respondent, so far as treating the petitioners as encroachers in the order passed under Section 83(4) of Act 30/1987 by invoking Section 84, 85, 86 as unconstitutional and ultra virus of Section 83 of Act, 30/1987 and set aside the same, and declare that the proposal to evict the petitioners from the schedule land admeasuring an extent of Ac.4.60 cents for each petitioner respectively, as illegal, and to pass such other order or orders.

**Counsel for the Petitioners: MR.SITA RAM CHAPARLA**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 24910 of 2004**

Between:

B.Prabhakara Rao S/o Kondandam
R/o Sivakodu Village, Razole Mandal, EAST Godavari District..

**..... PETITIONER**

AND

1 The Government of AP., rep. by its Secretary,
Endowments Department Secretariat, Hyderabad.
2 The Commissioner of Endowments Government of AP., Hyderabad.
3 The Regional Joint Commissioner Multi Zone-I, Endowments

Department, Kakinada, East Godavari District..
4 The Deputy Commissioner of Endowments
Kakinada, East Godavari District..
5 The Assistant Commissioner of Endowments, Rajahmundry,
East Godavari District..
6 The Executive Officer /Manager Sri Uma Sivalingeswara Swamy

Temple Sivakodu, Razole Mandal, East Godavari District..

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ order or direction more particularly one in the nature of writ of Mandamus in declaring the impugned order issued in MA.No.132/2003. dt. 27/01/2004 by the 5th Respondent as confirmed in Appeal No.71/2004 vide order dt. 25/11/2004 on file of the 3rd respondent under the provisions of the rules issued in G.O.Ms.No.379 Revenue (Endowments-I) Department, dt. 11/03/2003 and consequently initiation of the proceedings by the 5th respondent to evict the petitioner by invoking section 84,85,86 of the AP. Charitable and Hindu Religious Institutions and Endowments Act. 30/87 as unconstitutional and of section 83 of Act 30/1987 and consequently set aside the rules issued in the impugned G.O.Ms.No.379, dt. 11/03/2003 including the impugned orders in MA.No.132/2003, dt. 27/01/2004 confirmed in Appeal No.71/2004 dt. 25/11/2004 on the file of the 3rd respondent and consequently set aside the same as the same are highly illegal, arbitrary and violative of Art. 14 and21 of the Constitution of India apart from provisions of AP. Charitable and Hindu Religious Institutions and Endowments Act.

**Counsel for the Petitioner: MR.G.V.SHIVAJI**

**Counsel for the Respondents.: GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 24911 of 2004**

Between:

1 K. Suryachandra Rao S/o K. Subbarayudu
R/o Palagummi Razole Mandal, East Godavari District.
2 K. Purna Satyanarayana
R/o Palagummi Razole Mandal, East Godavari District.
3 K. Satyanarayana S/o K. Suryachandra Rao
R/o Palagummi Razole Mandal, East Godavari District.
4 K. Subrahmanyam S/o K. Suryachandra Rao
R/o Palagummi Razole Mandal, East Godavari District.

**..... PETITIONERS**

AND

1 The Government of A.P., rep by Secretary, Endowments Department

Secretariat, Hyderabad
2 The Commissioner of Endowments Government of A.P., Hyderabad
3 The Regional Joint Commissioner Multi Zone-I, Endowments

Department Kakinada, East Godavari District.
4 The Deputy Commissioner of Endowments Kakinada, East Godavari

District.
5 The Assistant Commissioner of Endowments Rajahmundry, East

Godavari District.
6 The Executive Officer/manager Sri Someswara Swamy Temple

Palagummi, Razole Mandal, East Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus in declaring he impugned order issued in M.A. No. 107/2003, dt 4-12-2003 the 5th respondent as confirmed in Appeal No. 72/2004 vide order dt 11-11-2004 on file of the 3rd respondent under the provisions of the rules issued in G.O.Ms. Revenue (Endowments-I) Department dated 11-3-2003 and consequential initiation of the proceedings by the 5th respondent to evict the petitioner by invoking sections 84,85,86 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act 30/87 as unconstitutional and of Section 83 of Act 30/1987 and consequently set a side the rules issued in the impugned G.O.Ms. No. 379, dt 11-3-

2003 including the impugned orders in M.a. No. 107/2003 dt 4-12-2003 confirmed in Appeal No. 72/2004, dt 11-11-2004 on the file of the 3rd respondent and consequently set a side the same as the same are highly illegal, arbitrary and violative of Art.14 and 21 of the Constitution of India apart from provisions of A.P. charitable and Hindu Religious Institutions and Endowments Act and pass such other order or orders.

**Counsel for the Petitioner: MR.G.V.SHIVAJI**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

**WRIT PETITION NO : 18086 of 2004**

Between:

Peddisetti Venkateshwar Rao, S/o. Sri Veera Raghavulu,
R/o. Velugubanda, Rajanagaram Mandal, EAST GODAVARI District.

**..... PETITIONER**

AND

1 The Commissioner of Endowments, Tilak Road, Hyderabad.
2 The Deputy Commissioner of Endowments, Kakinada, East

Godavari District.
3 The Assistant Commissioner of Endowments, Rajahmundry, East

Godavari District.
4 Sri Shyamalamba Ammavari Temple, Velugubanda, Rajanagaram

Mandal, East Godavari District, Rep. by its Managing Trustee.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to declare the action of the respondent No.3 herein not disposing of the representation of the Petitioner dt. 28-8-2004 when there is a threat of dispossession to the petitioner from an extent of Ac.0.99 1/4 cents in survey No.250 of Velugubanda, Rajanagaram Mandal, East Godavari District. by the 4th Respondent herein, as illegal, arbitrary and unjust by issuing appropriate Writ, order or direction.

**Counsel for the Petitioner: MR.M.V.S.SURESH KUMAR**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 7742 of 2005**

Between:

Kovvuru Sathi Reddy, S/o. Venkata Reddy,
Natta Rameswaram, Penumantra Mandal, West Godavari District..

**..... PETITIONER**

AND

1 Sri Rameswara Swamy Temple, Natta Rameswaram (v),
Penumantra Mandal, West Godavari District.. rep. by its Manager
2 The Assistant Commissioner of Endowments , Eluru, Post & Mandal,

West Godavari District..
3 The Regional Joint Commissioner, Endowments Department,

Ramaraopeta, Kakinada, East Godavari District..
4 The Commissioner of Endowments, Tilak Road, Boggulakunda,

Hyderabad.
5 Kavuru Laxmana, S/o. Satyanarayana,
Penumantra Garuvu, Penumantra Mandal, West Godavari District..
6 Bokka Satyanarayana, S/o. Venkata Rao,
Mumuluru, Penumantra Mandal West Godavari District..

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring that the impugned auction conducted on 24.12.2004, by the first respondent as null and void, illegal and arbitrary and also against the provisions of G.O.Ms.No.379, Endowments, dt.11.03.2003 and also against the circular orders issued by the fourth respondent under Rc.No.N2/208/98 dt.28-01-2004 and also pray to direct the respondents 1 to 4 consider the petitioner as land less poor within the meaning of section 82 clause 2 of the Endowments Act.No.30 of 1987 and pass such other orders or order.

**Counsel for the Petitioner: SMT. A.BHARATA LAKSHMI KUMARI**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

**WRIT PETITION NO : 7756 of 2005**

Between:

1 Komati Laxman Rao S/o China Subbanna
R/o Penumantra Garuvu, Penumantra Mandal West Godavari District.
2 Komati Suresh Kumar S/o Laxman Rao
R/o Penumantra Garuvu, Penumantra Mandal West Godavari District.

**..... PETITIONERS**

AND

1 Sri Rameswara Swamy Temple, Natta Ramswaram (V), Penumantra

Mandal, West Godavari District. rep by Manager
2 The Assistant Commissioner of Endowments, Eluru Eluru Post &

Mandla, West Godavari District.
3 The Regional Joint Commissioner, Endowments Department

Ramaraopet, Kakinada, East Godavari District.
4 The Commissioner of Endowments, Tilak Road, Boggulakunta,

Hyderabad
5 Komati Venkata Rao S/o Anjaneyulu
R/o Penumantra Garuvu Penumantra Mandal, West Godavari Dsitrict

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring that the impugned auction conducted on 24-12-2004 by the first respondent as null and void illegal and arbitrary and also against the provisions of G.O.Ms. No. 379 Endowments, dated 11-3-2003 and also against the circular orders issued by the fourth respondent under Rc. No. N2/208/98 dated 28-1-2004 and also pray to direct the respondents 1 to 4 to consider the petitioners as land less poor tenants within meaning of Section 82 clause 2 of the Endowments Act NO.30 of 1987 and pass such other orders or orders as it may deem fit and proper in the interest of justice.

**Counsel for the Petitioners: SMT.A.BHARATA LAKSHMI KUMARI**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

**WRIT PETITION NO : 7757 of 2005**

Between:

1 Komati Ramanna, s/o China Subbanna,
r/o Penumantra Garuvu, Penumantra Mandal, West Godavari

District..
2 Komati Venkata Narayana, s/o Ramanna,
r/o Penumantra Garuvu, Penumantra Mandal, West Godavari District.

**..... PETITIONERS**

AND

1 Sri Rameswara Swamy Temple, Natta Rameswaram (V),

Penumantra Mandal, West Godavari District. rep., by its
Manager.
2 The Assistant Commissioner of Endowments, Eluru, Eluru Post &

Mandal, West Godavari District.
3 The Regional Joint Commissioner, Endowments Department,

Ramaraopeta, Kakinada, East Godavari District.
4 The Commissioner of Endowments, Tilak Road, Boggulakunta,

Hyderabad.
5 Komati Venkata Rao, s/o Anjaneyulu, r/o Penumantra Garuvu,

Penumantra Mandal, West Godavari District.

6 Pechchetti Venkateswara Rao, s/o Ganeswara Rao,
r/o Mamuduru, Penumantra Mandal, West Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring that the impugned auction conducted on 24-12-2004 by the first respondent as null and void, illegal and arbitrary and also against the provisions of G.O.Ms.No.379, Endowments, dated 11-3-2003 and also against the circular orders issued by the fourth respondent under Rc.No.N2/208/98 dated 28-1-2004 and also pray to direct the respondents 1 to 4 to consider the petitioners as land less poor within the meaning of Section 82 clause 2 of the Endowments Act No.30 of 1987 and pass such other orders or order as it may deem fit and proper in the interest of justice.

**Counsel for the Petitioners : SMT.A.BHARATA LAKSHMI KUMARI**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 8838 of 2005**

Between:

1 Medikonda Suryakanthamma, W/o. Late Pulla Rao,
Tanuku, West Godavari District.

2 Medikonda Ramanjaneyulu, W/o. Late Pulla Rao,
Tanuku, West Godavari District.

3 Medikonda Nageswararao, W/o. Late Pulla Rao,
Tanuku, West Godavari District.

4 Aburi Tulasi Ratnam, W/o. Late Veeraghavulu,

Tanuku, West Godavari District.

**..... PETITIONERS**

AND

1 The State of Andhra Pradesh, rep. by its Secretary, Endowments

Department, Government of A.P., Hyderabad.
2 The Deputy Commissioner (Endowments), Kakinada, East

Godavari District.
3 The Asst. Commissioner (Endowments), Eluru, West Godavari

District.
4 Sri. Kesavaswamy & Mahalakshmi Ammavari Temple of Tanuku in

West Godavari District rep. by its Manager.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ order or direction be issued declaring Sec.3 of A.P. Tenancy Laws(Amendment) Act 2002 and Sec.5 of A.P. Act XXX of 1987 and the Rules framed in G.O.Ms.No.379 dt.11.03.2003 under Sec.82 of the Act as unconstitutional and hold that the proceedings of the 3rd respondent passed in Rc.No.A1/6025/2003 dt.09-12-2004 directing the 4th respondent to evict the petitioners from the land held by him as tenants of 4th respondent as illegal in the interest of justice.

**Counsel for the Petitioners : MR. I.RAMAKRISHNA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 8859 of 2005**

Between:

Yellina Suryachandra rao, S/o Krishnamma,
Pothavaram, Nallajerla Mandal, West Godavari District.

**..... PETITIONER**

AND

1 Government of Andhra Pradesh, rep., by the Principal Secretary to

Government, Revenue (Endowment)
Department, A.P. Secretariat, Hyderabad.
2 Commissioner, Endowments Department, Government of A.P.,

Hyderabad.
3 Regional Joint Commissioner, Endowments, Kakinada, East

Godavari District.
4 Assistant Commissioner, Endowments Department, Eluru, West

Godavari District.
5 Sri Seetharama Swamy Temple, rep., by its Person in Management,

Pothavaram, Nallajerla Mandal, West Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction especially one in the nature of writ of mandamus or any appropriate writ declaring the action of the 5th respondent in issuing notice in Form-I No.5/2003 dated 3-5-2003 under Rule 5(1) of G.O.Ms.No.379, Rev.(Endts.I) Department, dated 13-3-2003, by invoking the provisions of Sec.83 of the Act 30/87 as unconstitutional, ultravires to Sec.83 of the Act 30/87 and set aside the same and declare that the proposed action of the respondents in trying to evict the petitioner from the schedule property in Sy.Nos.19/1,2 and 21 of Pothavaram Village, Nallajerla Mandal, West Godavari District., as illegal and pass such other order orders as are deemed fit and proper.

**Counsel for the Petitioner: MR.S.SUBBA REDDY**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 9814 of 2005**

Between:

1 Gottimukkala Narasimha Raju S/o.Satyanarayana Raju
2 Gottimukkala V.S. Raju S/o.Narasimha Raju
3 Gottimukkala V.S.S. Varma S/o.Narasimha Raju
4 Gottimukkala V.S.Subhramanya Varma S/o.Narasimha Raju

All the petitioners are R/o. Ganti Pedapudi P.Gannavaram Mandal East Godavari District.

**..... PETITIONERS**

AND

1 Government. of A.P., rep. by its Prl. Secretary Revenue

(Endowments Department), Secretariat Hyderabad.
2 The Commissioner Endowments Department, Government, of A.P Hyderabad.
3 Regional Joint Commisioner of Endowments Kakinada East Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction in the nature of writ of mandamus declaring the action of the respondents in taking steps to dispossess the petitioners from the lands in an extent of Ac.17.30 cents in RS.No.101-103 of Kandriga Village, H/o. Avidi, Kothapet Mandal, EAST GODAVARI District. and conducting the auction of the leasehold rights in respect of the said lands pursuant to the Rules made under G.O.Ms.No.379 Revenue (Endowments IV) Department, Dt.24/5/2003 as illegal since the rules made under said G.O are unconstitutional, ultravires to the Sec.83 of the Act 30/1987 and set aside the same and declare that the proposed action of the respondents to evict the petitioners from the said lands as illegal, arbitrary and violative of fundamental rights guaranteed under the constitution of India and pass any other order or orders as this Hon'ble court may deem fit and proper and in the circumstances of the case.

**Counsel for the Petitioners : MR. T.V.S.PRABHAKARA RAO**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 9829 of 2005**

Between:

Karneedi Ramakrishna, S/o Somaraju,
Kumarapuram, Pithapuram Mandal, East Godavari District.

**..... PETITIONER**

AND

1 Government of Andhra Pradesh, rep. by the Principal Secretary to

Government, Revenue (Endowments) Department, Andhra Pradesh

Secretariat, Hyderabad.
2 Commissioner, Endowments Department, Government of Andhra

Pradesh, Hyderabad.
3 Regional Joint Commissioner, Endowments, Kakinada, East

Godavari District.
4 Assistant Commissioner, Endowments Department, Rajahmundry,

East Godavari District.
5 M.S.N. Charities, rep. by its Executive Officer, Jagannadhapuram,
Kakinada, East Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, especially one in the nature of Writ of Mandamus declaring the action of the respondents 1 and 2 in proposing to conduct the auction of the standing crop on
2-4-2005 in the land in order to take forcible possession of the land from the petitioners an extent of Ac. 3.00 cents covered by S.No. 55/2 and 56/2 of Kumarapuram Village, Pithapuram Mandal, East Godavari District. without following the procedure contemplated under sec. 80 (30/87) Act, as illegal, arbitrary and violative of principles of natural justice and direct the respondent to desist from conducting the auction and pass such other order or orders as are deemed fit and proper.

**Counsel for the Petitioner : MR.T.V.S.PRABHAKARA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 9889 of 2005**

Between:

1 Sathi Satyanarayana , S/o.Narayya.
Fakruddin Palem, Pithapuram Mandal, East Godavari District..
2 Sathi Yesu Babu, S/o.Narayya.
Fakruddin Palem, Pithapuram Mandal, East Godavari District..
3 Sathi Tatayya S/o.Narayya.
Fakruddin Palem, Pithapuram Mandal, East Godavari District..

**..... PETITIONERS**

AND

1 Government of A.P, Rep by its Prl.Secretary to Government,
Revenue (Endowment) Department, A.P. Secretariat , Hyderabad.
2 Commissioner, Endowments Department, Government of A.P.,

Hyderabad.
3 Regional Joint Commissioner , Endowments,
Kakinada, East Godavari District..
4 Asst.Commissioner, Endowments Department,
Rajahmundry, East Godavari District..
5 M.S.N. Charities, Rep by its Executive Officer,
Jagannadhapuram, Kakinada, East Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ , order or direction especially one in the nature of writ of Mandamus or any appropriate writ declaring the action of the 5th respondent in issuing notice in Form-I No.5/2003, dt.13-4-2005 under Rule 5(1) of G.O.Ms.No.379, Rev.(Endts-I) Department, dt.13-3-2003, by invoking the provisions of Sec.83 of the Act 30/87 as unconstitutional, ultravires to Sec.83 of the Act30/87 and set aside the same and declare that the proposed action of the respondents in trying to evict the petitioner from the schedule property in Sy.Nos.38/1 and 90/1 of Fakruddinpalem Village, Pithapuram Mandal,East Godavari District., as illegal and pass such other order or orders.

**Counsel for the Petitioners : MR.T.V.S.PRABHAKARA RAO**

**Counsel for the Respondents: GP FOR REVENUE**

**WRIT PETITION NO : 9945 of 2005**

Between:

Datla Venkata Seetharama Raju, S/o. Datla Subba Raju,
R/o. Kalavacherla, Rajanagaram Mandal,
East Godavari District.

**..... PETITIONER**

AND

1 Government of A.P., rep. by its Prl. Secretary, Revenue

(Endowments) Department, Secretariat, Hyderabad.
2 The Commissioner, Endowments Department,
Government of A.P., Hyderabad.
3 The Executive Officer, Gowthami Jeevakarunya Sangham,
Rajahmundry, East Godavari District..

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondent No.3 in issuing Notice No.240-1/05 , dt.13.4.2005 in Form No.I under Rule 5(1) of G.O.Ms.No. 379 Revenue (Endowments IV ) Department , dt.24.5.2003 by invoking the provisions of Section 83 of the Act 30/1987 as unconstitutional, ultravires the section 83 of the Act 30/1987 and set aside the same and declare that the proposed action of the respondents to evict the petitioner from the land to an extent of 10-53 cents in Sy.No.424/1 and 425 of Nandarada (v), Rajanagaram Mandal, EAST Godavari District..rict, as illegal, arbitrary and violative of fundamental rights guaranteed under the constitution of India and for a consequential order directing the respondents not to evict the petitioner herein from the above said lands and pass such other order or orders as may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner : MR.CH.DHANAMJAYA**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 9964 of 2005**

Between:

Margana Satyanarayana S/o.Venkanna
R/o.Devancheruvu, Rjanagaram Mandal EastGodavari District.

**..... PETITIONER**

AND

1 The Commissioner of Endowments Boggulakunta, Tailk Road, A.P

Hyderaad.
2 The Deputy Commissioner Endowment Department, Kakinada

Division, Kakinada, East Godavari District.
3 The Manager, Sri Bhaje Narayana Swamy Devasthanam, Vadisaleru

Village, Rangampet Mandal, East Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ order or direction more particularly in the nature of writ of Certiorari by calling for the records leading upto the impugned auction notification dt.9.4.2005 of the 3rd respondent and quash the same as being the illegal, unjust and opposed to Principles of natural justice and pass such other order or orders.

**Counsel for the Petitioner : MR.KRISHNA MURTHY ATTIVILLI**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 10101 of 2005**

Between:

1 Kanumalli Rama Rao, s/o. Gangaiah, R/o. Pidathavilluru Village,

Poduru Mandal, West Godavari District.
2 Kanumalli Satyanarayana, s/o. Rama Rao, R/o. Pidathavilluru Village,

Poduru Mandal, West Godavari District.

**..... PETITIONERS**

AND

1 The Government of A.P., rep.by its Secretary, Department of

Endowment, Secretariat, Hyderbad.
2 The Deputy Commissioner of Endowments, Kakinada, East Godavari

District.
3 The Assistant Commissioner of Endowments, Eluru, West Godavari

District.
4 Sree Kesava Swamy group Temples, rep.by Manager,

Pandithavilluru, Poduru Mandal. West Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders , direction or directions, writ or writs , particularly one in the nature of 'WRIT OF MANDAMUS' declaring the action of the respondent no.4 in issuing the impugned notice Np.3/2005 , dt.24.4.2005 , under Rule 5(1) of A.P. Charitable and Hindu Religious Institutions and endowments lease of Agriculture Land Rules , 2003 as it is contrary to procedure contemplated under the Act and also contrary to Rule 5(2) and for a consequential order to set aside the impugned notice No.3/2005 dt.23.4.2005, which is issued by the 4th respondent and to pass such other orders as are necessary in the interest of justice.

**Counsel for the Petitioners: MR.K.L.N.SWAMY**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 10102 of 2005**

Between:

1 Dwarampudi Eswara Reddy s/o. Neela Reddy
Almuru Village Penumantra Mandal, West Godavari District.
2 D. Ramakrishna Reddy s/o.Veera Reddy
Almuru Village, penumantra Mandal, West Godavari District.
3 D. Nagi Reddy s/o. Veera Reddy
Almuru Village, Penumantra Mandal, West Godavari District.

**..... PETITIONERS**

AND

1 The Government of A.P. rep by its secretary
Department of Endowments, Secrtetariat, Hyderabad.
2 The Deputy Commissioner of Endowments, Kakinada,

East Godavari District.
3 The Assistant Commissioner of Endowments
Eluru, West Godavari District.
4 Sree Visweswara Swamy vari Temple,
rep by its Manager, Almuru Village,

Penumantra Mandal, West Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders direction or directions, writ or writs, particularly one in the nature of writ of Mandamus declaring the action of the respondent No.4 in issuing the impugned notice Noo.4/2005 DT.4-4-2005. Under Rule 5 (1) of A.P. Charitable and Hindu Religious Institutions and Endowments lease of Agricultural Land Rules,2003 as it is contrary to procedure contemplated under the Act and also contrary to Rule 5(2) and for a consequential order to set aside the impugned notice No.4/2005,Dt.4.4.2005, which is issued by the 4th respondent and to pass such other orders as are necessary in the interest of justice.

**Counsel for the Petitioners : MR. K.L.N.SWAMY**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 10800 of 2005**

Between:

1 M.V.S.Mohana Rao S/o Late Narayana Swamy
R/o Veeravallipalem, Inavilli Mandal, East Godvari District.
2 M. Chandramohana Rao S/o Late Narayana Swamy
R/o Veeravallipalem, Inavilli Mandal, East Godvari District.

3 M. Veeranna S/o Late Chandranna
R/o Veeravallipalem, Inavilli Mandal, East Godvari District.
4 M. Sriramachandra Murthy S/o Late Veeranna

**..... PETITIONERS**

AND

1 The Government of Andrha PRadesh, rep by Principal secretary

Revenue (Endowments) Department, Secretariat, Hyderabad
2 The Deputy Commissioner Endowments department, Kakinada, East

Godavari Dsitrict
3 The Assistant Commissioner, Endowmetns Department,

Rajahmundry East Godavari District.
4 Sri Muktheswara Swamy Temple, Muktheswram, Inavilli Mandal,

East Godvari District. rep by Manager

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in proposing to conduct auction of the leasehold rights of its land in R.S, No. 188/1 and 190/1 of to a Total extent of Ac. 14.03 cents situated in Inavilli Village and Mandal, EAST GODAVARI District. as illegal arbitrary and unjust and consequently direct the respondents to drop all further proceedings in this regard and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

**Counsel for the Petitioners : MR.N.SIVA REDDY**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 10810 of 2005**

Between:

1 Valluri Abbaiah, S/o.Naraiah,
Mandapata Town & Mandal, East Godavari District.
2 Smt.Valluri Suryakantham W/o.Late Ramaswamy, Mandapata Town

& Mandal, East Godavari District.

**..... PETITIONERS**

AND

1 The Government of A.P., rep.by its Secretary, Department of

Endowments, Secretariat, Hyderabad.
2 The Asst. Commissioner of Endowments, Secretariat, Hyderabad.
3 Sri. Janardhana Swamy Temple, rep.by its Manager, Mandapata

Town & Mandal, East Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus by declaring the action of the respondent No.3 in issuing the impugned notice dt.26-4-2005 in Form-I under Rule 5(1) of the rules framed under G.O.Ms.No.379 dt.11-03-2003 in respect of the lands in sy.no.889, 891, 892, to an total extent of Ac.16.04 cents and in Sy.Nos. 889, 890 to the total extent of Ac.10.60 cents situated at Mandapeta village and Mandal, East Godavari as arbitrary, illegal and contrary to the procedure as contemplated under 83 of the Act, and also contrary to Rule 5(2) of the rules and set aside the same and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioners: MR. J.ASHVINI KUMAR**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 11102 of 2005**

Between:

1 Durgempudi Satyanarayana Reddy, s/o Suryanarayana Reddy,
r/o Dongagudem, Penugonda (M), West Godavari District..
2 Parimi Venkata Suryanarayana, s/o Subba Rao,
r/o D.No.7-59, Gurralavari Street, Penugonda, West Godavari

District.

**..... PETITIONERS**

AND

1 The State of Andhra Pradesh rep., by its Secretary, Government of

A.P., Endowments Department, Secretariat, Hyderabad.
2 The Commissioner, Endowments Department, Government of A.P.,

Boggulakunta, Tilak Road,Hyderabad.
3 The Deputy Commissioner, Endowments Department, Kakinada,

East Godavari District..
4 Sri Nagareswara Mahishshura Mardhani, Sri Vasavi Kanyaka

Parameswari Temple, Penugonda, rep., by its Manager.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or direction more particularly one in the nature of writ of mandamus, or any other appropriate writ, to declare the Form-I notices issued under Rule 5(1) of G.O.Ms.No.379, Rev.(Endts.IV) Department, dt.11-04-2005, by the 4th respondent, so far as treating the petitioners as encroachers in the order passed under section 83(4) of Act 30/1987 by invoking Section 84, 85, 86 as unconstitutional and ultra-virus of section 83 of Act 30/1987 and set-aside the same, and declare that the proposal to evict the petitioners from their schedule land admeasuring ac.5.22 cents, and ac.5.24 cents, respectively, situated in Survey No.589/2, at Penugonda village and Mandal, WEST Godavari District..rict as illegal, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

**Counsel for the Petitioners : MR.SITA RAM CHAPARLA**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 11259 of 2005**

Between:

1 Sarella Venkata Rao S/o. Reddy, R/o. Avidi Village, Kothapeta

Mandal, East Godavari District.

2 Mudunuri Satyanarayana Raju S/o. Buchi Raju,
R/o. Avidi Village, Kothapeta Mandal, East Godavari District.

3 Chopperla Krishna Murthy, S/o. Kamisetty
R/o. Avidi Village, Kothapeta Mandal, East Godavari District.

4 Chopperla Satyakameswara Rao S/o. Venkateswar Rao
R/o. Avidi Village, Kothapeta Mandal, East Godavari District.

**..... PETITIONERS**

AND

1 Government of Andhra Pradesh, Rep. by its Principal Secretary, Secretariat, Hyderabad.
2 The Commissioner, Endowments Department, Government of A.P.
3 Regional Joint Commissioner of Endowments, Kakinada, East

Godavari District.
4 Asst. Commissioner of Endowments, Rajahmundry, East Godavari

District.
5 Sri Kailaseswaraswamy Vari Temple, Avidi Village, Kothapeta

Mandal, East Godavari District.
6 Sri Pattabhiramaswamy Vari Temple, Avidi Village, Kothapeta

Mandal, East Godavari District.
7 Sri Katlamma Ammavari Temple, Avidi Village, Kothapeta Mandal,

East Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus declare the action of the respondents in taking steps to dispossess the petitioners from their respective peace of land Ac. 10-80 cents in 466 & 176 of the 1st Petitioner Ac. 5.34 cents in Sy.No. 173/2, 197 & 198 of the 2nd Petitioner Act. 11-96 in Sy.No. 212 & 227, Ac. 8-00 in SY.No. 599/1 & 2 of 3rd and 4th petitioner situated at Avidi Village, Kothapeta Mandal, East Godavari District. pursuant to rules made under G.O.Ms.No. 379 dt. 11-3-2003 and conducting auction if any as illegal, arbitrary and declare that the said rules are ultravires to the provisions of the Act 30/1987 and set aside the same by declaring the proposed action of conducting auction of lease hold rights if any of the said lands as illegal consequently direct the respondents not to dispossess the petitioners from the said lands to drop all further proceedings and pass any other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

**Counsel for the Petitioners: MR.T.V.S.PRABHAKARA RAO**

**Counsel for the Respondents: SMT.N.INDRANI**

**WRIT PETITION NO : 11260 of 2005**

Between:

1 Dantuluri Venkata Satyanarayana Raju, S/o. Suraparaju,

R/o. Gudimellanka, Mallikipuram Mandal, East Godavari District.
2 Dantuluri Venkata Sahedevarau, S/o. Suraparaju,
R/o. Gudimellanka, Mallikipuram Mandal, East Godavari District.
3 Chopperla Krishna Murthy, S/o. Kamisetty
All the Pettiioners are R/o. Avidi Village, Kothapeta Mandal, East

Godavari District.
4 Chopperla Satyakameswara Rao S/o. Venkateswar Rao
All the Petitioners are R/o. Avidi Village, Kothapeta Mandal, East

Godavari District.

**..... PETITIONERS**

AND

1 Government of Andhra Pradesh, Rep. by its Principal Secretary,
Secretariat, Hyderabad.
2 The Commissioner, Endowments Department, Government of A.P.
3 Regional Joint Commissioner of Endowments, Kakinada, East

Godavari District.
4 Asst. Commissioner of Endowments, Rajahmundry, East Godavari

District.
5 Sri Venugopalaswamy Temple, Gudemellanka Village, Malikipuram

Mandal, East Godavari District., rep by its Executive Officer.
6 Sri Pattabhiramaswamy Vari Temple, Avidi Village, Kothapeta

Mandal, East Godavari District.
7 Sri Katlamma Ammavari Temple, Avidi Village, Kothapeta Mandal,

East Godavari District.,

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in conducting auction of the respondents in conducting auction to the lease hold rights of the property an extent of Ac. 10.74 cents in Sy.No. 575/2, 571/1, 609/3, 568/3 and 554/3A and Ac. 1.42 cents coconut garden in R.S.No. 340/1, of Gudimellanka Village, Malikipuram Mandal, EAST GODAVARI District. on 23-5-2005 pursuant to the Rules made under G.O.Ms.No. 379 Revenue (Endowments IV) Department Dt. 11-3-2003 and declare the said rules are unconstitutional, ultravires to the Sec. 83 of the Act 30/1987 and set aside the same and declare that the proposed auction as illegal, arbitrary and violative of fundamental rights guaranteed under the constitution of India and consequently direct the respondent to drop all further proceedings pursuant to the said notice and pass any other order or orders.

**Counsel for the Petitioners : MR. T.V.S.PRABHAKARA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 11264 of 2005**

Between:

1 Kaki Veerraju @ Veeranna S/o. Veeranna
R/o. Dangeru K. Gangavaram Mandal EAST GODAVARI District.
2 Dangedu Satyavathi W/o. Late Ramaswamy
Konarevupadu H/o. Dangeru
K.Gangavaram Mandal East Godavari District.

**..... PETITIONERS**

AND

1 Government. of A.P., Rep.by its Prl. Secretary, Revenue

(Endowments) Department, Secretariat, Hyderabad.
2 The Commissioner Endowments Department,
Government of A.P Hyderabad.
3 The Regional Joint Commissioner of Endowments Kakinada
East Godavari District.
4 The Asst. Commissioner of Endowments, Rajahmundry East

Godavari District.
5 Sri Madanagopalaswamy Vari Devathanam Rep.by its Manager.
Danguru, K.Gangavaram Mandal East Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of writ of mandamus declaring the action of the respondents in conducting auction of the lease hold rights of the property an extent of Ac.9.32 cents of the 1st petitioner and an extent of Ac.3.44 of 2nd petitioner is Sy.No.191 of Dangeru Village, K. Gangavaram Mandal, East Godavari District. on 21-05-2005 pursuant to the Rules made under G.O.Ms.No.379 Revenue (Endowments IV) Department, Dt.11-3-2003 as illegal since the rules made under said G.O. are unconstitutional, ultravires to the same and declare that the proposed auction as illegal, arbitrary and violative of fundamental rights guaranteed under the Constitution of India and consequently direct the respondent to drop all further proceedings and pass any other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

**Counsel for the Petitioners : MR. T.V.S.PRABHAKARA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 11284 of 2005**

Between:

1 Bandaru Veera Naidu S/o. Satyanarayana Murthy
R/o. Kothapeta Kothapetamandal, East Godavari District..
2 Bandaru Venkata Padmavathi W/o. Late Venkata Laxminarayana
R/o. Kothapeta Kothapetamandal, East Godavari District.

**..... PETITIONERS**

AND

1 Government. of A.P., Rep. by its Prl. Secretary, Revenue

(Endowments) Department, Secretariat, Hyderabad.
2 The Commissioner Endowments Department,
Government of A.P Hyderabad.
3 Regional Joint Commissioner of Endowments
Kakinada, East Godavari District.
4 Asst. Commissioner of Endowments
Rajahmundry East Godavari District.
5 Sri Bandaru Perammagari Swamygari Annadana Samajam
Rep. by its Manager East Godavari District..

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, preferably one in the nature of writ of mandamus declaring the action of the respondents in taking steps to dispossess the petitioners from their respective peace of lands an extent of Ac.1.75 cents each in Sy.No.758/1

of Kothapeta Village, EAST GODAVARI District. pursuant to rules made under G.O.Ms.No.379, dt.11-03-2003 by issuing notice under Rule 5(1) of the said G.O and the auction if any as illegal, arbitrary and declare that the said rules are ultravires to the provisions of the Act 30/1987 and set aside the same by declaring the proposed action of conducting auction of lease hold rights if any of the said lands as illegal, consequently direct the respondents not ot dispossess the petitioners from the said lands to drop all further proceedings and pass any other order or orders as this Hon'ble Court deem fit and proper in the circumstances of the case.

**Counsel for the Petitioners : MR. T.V.S.PRABHAKARA RAO**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 11400 of 2005**

Between:

1 Damara Ramarao, S/o Venkata Narasimha Rao,
R/o Veeravaram, Kadiam Mandal, East Godavari District.
2 Damara Narasimha Rao, S/o Ramarao,
R/o Veeravaram, Kadiam Mandal, East Godavari District.
3 Adagalla Verrayya, S/o Posiyya,
Kadiyapulanka East Godavari District.
4 Adimulam Koteswararam, S/o Peddayya,
R/o Veeravaram, Kadiam Mandal, East Godavari District.

**..... PETITIONERS**

AND

1 Government of Andhra Pradesh, rep. by its Principal Secretary,
Revenue (Endowments) Department, Secretariat, Hyderabad.
2 The Commissioner, Endowments Department,

Government of Andhra Pradesh, Hyderabad.

3 Assistant Commissioner of Endowments, Rajahmundry, East

Godavari District.

4 Sri Kodandarama Swamy Vari Devastanam, Veeravarm, Kadiam

Mandal, East Godavari District., rep. by its Manager.

5 Sri Ramalingeswara Swamy Vari Devastanam, Veeravarm, Kadiam

Mandal, East Godavari District, rep. by its Manager.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in conducting auction of the lease hold rights of the property an extent of Ac. 6.75 cents in R.S.No. 171 of the 1st petitioner, Ac. 6.50 cents in R,.S.No. 171 of the 2nd petitioner, Ac. 5.18 in R.S.No. 46 of 3rd petitioner and Ac. 6.80 cents in R.S.No. 25 of the 4th petitioner situated in Veeravaram Village, Kadiam Mandal, East Godavari District. on 21-5-2005 following the Rules made under G.O.Ms.No. 379 Revenue (Endowments IV) Department dt. 11-3-2003 as illegal and declare that the rules made under said G.O are unconstitutional, ultravires to the Sec. 83 of the Act 30/1987 and set aside the same and declare that the proposed auction as illegal, arbitrary and Violative of fundamental rights guaranteed under the Constitution of India and consequently direct the respondent to drop all further proceedings and pass any other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

**Counsel for the Petitioners : MR. T.V.S.PRABHAKARA RAO**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

**WRIT PETITION NO : 11569 of 2005**

Between:

Katuri Arjuna S/o. Garitayya, Palivela Village Kothapeta Mandal
EAST Godavari District.

**..... PETITIONER**

AND

1 Government. of A.P., Rep. by its Prl. Secretary Revenue

(Endowments) Department, Secretarait Hyderabad.
2 The Commissioner Endowments Department,
Government.of A.P Hyderabad.
3 The Deputy Commissioner of Endowments
Kakindada East Godavari District..
4 The Assistant Commissioner of Endowments
Rajahmundry East Godavari District.
5 Sri Palivela Dharma Satram Rep.by its Manager.
Palivela Village, Kothapet Mandal East Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in taking steps to dispossess the petitioners from the lands an extent of Ac.5.36 cts S.No.25 of Poojaripalem, Kothapeta Mandal, EAST Godavari District..rict, pursuant to rules made under G..Ms.No.379, dt.11-03-2003 by issuing notice under Rule 5(1) of the said G.O. and the auction if any as illegal, arbitrary and declare that the said rules are ultravires to the provisions of the Act 30/1987 and set aside the same by declaring the proposed action of the conducting auction of lease hold rights if any of the said lands as illegal consequently direct the respondents not to dispossess the petitioners from the said lands by dropping all further proceedings and pass by other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR. T.V.S.PRABHAKARA RAO**

**Counsel for the Respondents: SMT.N.INDRANI**

**WRIT PETITION NO : 11570 of 2005**

Between:

Koripalle Surya Kantham, W/o.Gani Raju,
Vegayammapet Village, Ramachandrapuram Mandal, East Goadavari District.

**..... PETITIONER**

AND

1 Government of A.P, Rep by its Prl.Secretary,
Revenue Endowments Department, Secretariat, Hyderabad.
2 The Commissioner, Endowments Department, Government of A.P.,

Hyderabad.
3 The Deputy Commissioner of Endowments, Kakinada, East Goadavri

District.
4 The Assistant Commissioner of Endowments, Rajahmundry, East

Godavari District.
5 Sri Bhimeswara Swamy Vari Devasthanam, Drasksarama, Rep by its

E.O., East Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in conducting auction of the lease hold rights of the property an extent of Ac.2.24 Cents in Sy.No.125/3 of Vegayammapet Village, Ramachandrapuram Mandal, East Goadavri District. on 31-05-2005 pursuant to the Rules made under G.O.Ms.No.379 Revenue ( Endowments IV) Department Dt.11-3-2005 as illegal, and declare that the rules made under said G.O. are unconstitutional, ultravires and contrary to the Sec.83 of the Act 30/1987 and set aside the same and declare that the Proposed auction as illegal, arbitrary and Violative of Fundamental Rights guaranteed under the Constitution of India and consequently direct the respondent to drop all further proceedings since the petitioner is entitle for the benefits under statue and pass such other order or orders.

**Counsel for the Petitioner: MR.T.V.S.PRABHAKARA RAO**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 11575 of 2005**

Between:

Singireddi Siva Prasada Rao, S/o. late Seethayya,
R/o. Dimili Village, Rambilli Mandal, Visakhaptnam District.

**..... PETITIONER**

AND

1 The State of A.p., rep.by its Principal Secretary, Revenue

(Endowments) Department, Secretariat, Hyderabad.
2 The Commissioner , Endowments Departments,
Government of A.P., Hyderabad.
3 The Regional Joint Commissioner of Endowments Multi Zone-1

Endowments Department, Kakinada, East Godavari District.
4 The Assistant Commissioner of Endowments,
Visakhapatnam.
5 Sri Nagneswara Swamy Vari Temple, rep.by its Chairman of the

Trust Board, Dirrili Village , Rambilli Mandal, Visakhapatnam District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate wit order or direction more a particularly a writ in the nature of Mandamus declaring the action of the respondents No.5 in issuing notice in Form No.1 Department dt.24.5.2003 by invoking the provision under Sec.83 of the Act 30/1987 and to set aside the same and declare that the proposed action of the respondents in evicting the petitioner from the lands of an extent of Ac.3.82 cents in S.No. 160 of Dimili Village , Rambilli Mandal Visakhapatnam District. as illegal, arbitrary and violative of the Fundamental rights guaranteed under the constitution of India and pass such other order or orders as this Hon'ble Court deems fit and proper.

**Counsel for the Petitioner: MR.M.S.R.SUBRAHMANYAM**

**Counsel for the Respondents : SMT.N.INDRANI**

**WRIT PETITION NO : 11704 of 2005**

Between:

Sapireddy Suryakantham, W/o.Surya Rao
R/o. 8-43, Dwarapudi (V) Madapeta Mandal, EAST Godavari District..

**..... PETITIONER**

AND

1 Government. of A.P. rep by its Prl.Secretary, Revenue

(Endowments) Department, Secretariat, Hyderabad.
2 The Commissioner, Endowments Department Government of

A.P. Hyderabad.
3 The Executive Officer Visweswaraswamivari Devasthanam
Dwarapudi (V) Mandapeta Mandal, East Godavari District..

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondent No.3 in issuing Notice No.2/2005 dt.1.4.2005 in Form No.1 under Rule 5 (1) of G.O.Ms.No.379 Revenue (Endowments IV) Department, dt.24.5.2003 by invoking the provisions of Section 83 of the Act 30/1987 as unconstitutional, ultravires the Section 83 of the Act 30/1987 and set aside the same and declare that the proposed action of the respondents to evict the petitioner from the land in Sy.No.56 an extent of Ac 5.55 cents situated at Dwarapudi (v) Mandapeta Mandal, EAST Godavari District..rict, as illegal, arbitrary and violative of fundamental rights guaranteed under the constitution of India and for a consequential order directing the respondents not to evict the petitioner herein from the above said lands and pass such other order or orders.

**Counsel for the Petitioner : MR.CH.DHANAMJAYA**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

**WRIT PETITION NO : 11705 of 2005**

Between:

Pokala Satyanarayana, S/o. Adiyya,
R/o. Near Bangaramma Temple, Satyamsettivari Veedhi,
Dwarapudi ( V) Mandepta Mandal, East Godavari District..

**..... PETITIONER**

AND

1 Government of A.P., rep. by its Prl. Secretary, Revenue

(Endowments) Department, Secretariat, Hyderabad.
2 The Commissioner, Endowments Department, Government of A.P.,

Hyderabad.
3 The Executive Officer, Rajyalakshmi Ammavaru Devasthanam,
Dwarapudi Village, Mandapeta Mandal, EAST Godavari District..

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondent No.3 in issuing notice dt. 11.4.2005 in Form No. I under Rule 5 (1) of G.O.Ms.No. 379 Revenue ( Endowments IV) Department, dt. 24.5.2003 by invoking the provisions of Section 83 of the Act 30/1987 as unconstitutional, ultravires the Section 83 of the Act 30/1987 as unconstitutional, ultravires the Section 83 of the Act 30/1987 and set aside the same and declare that the proposed action of the respondents to evict the petitioner from the land in Sy.No.185 an extent of Ac.4.41 Cents situated at Dwarapudi (V) Mandapeta Mandal, EAST Godavari District..rict, as illegal, arbitrary and violative of Fundamental rights guaranteed under the Constitution of India and for a consequential order directing the respondents not to evict the petitioner herein from the above said lands and pass such other order or orders as may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.CH.DHANAMJAYA**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 11823 of 2005**

Between:

G.Venkata Ratnam, S/o Tirupatayya,
R/o Pathapedapadu, Pedapadu Mandal, West Godavari District.

**..... PETITIONER**

AND

1 The Government of Andhra Pradesh, rep., by its Secretary,

Endowments Department, Secretariat, Hyderabad.
2 The Assistant Commissioner of Endowments, Eluru, West Godavari

District.
3 Sri Sitarama Swamy Temple, Pathapedapadu, Pedapadu Mandal,

West Godavari District, rep. by its Manager.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction by declaring that the Rules made in G.O.Ms.No.379, Revenue (Endts.1) Department dated 11-3-2003 as unconstitutional and ultravires to Sec.83 of the Act 30 of 87 and the consequential action of the 3rd respondent in dispossessing the petitioners and leasing out the land an extent of Ac.3.20 cents in R.S.No.205(215) of Pathapedapadu Village, Pedapadu Mandal, West Godavari District. by invoking the said rules as illegal, arbitrary and pass such other order or orders.

**Counsel for the Petitioner: MR.K.CHIDAMBARAM**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

**WRIT PETITION NO : 11907 of 2005**

Between:

Eluri Venkateswarlu S/o. Musalaiah
R/o. K. Rajupalem, Ballikurava Mandal, Prakasam District.

**..... PETITIONER**

AND

1 The Government of Andhra Pradesh Rep. by its Principal Secretary, Secretariat, Hyderabad.
2 The Executive Officer/Manager of Sri Lakshminarasimha swamy vari

Temple, Mangalagiri, Guntur District.
3 The Asst. Commissioner of Endowments, Guntur, Guntur District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ

of Mandamus declaring Rule 5 of the A.P. Charitable and Hindu Religious and Endowments Lease of Agricultural Lands Rules 2003 as illegal, arbitrary and violative of the provisions of the A.P. Act 30 of 1987 and consequently declare the proposed action of the 2nd respondent in auctioning the leasehold rights in Ac. 7-01 cents of land in D.No. 158/38 of Konidena Village, Belonging to Sri Lakshminarasimha Swamivari Temple, Mangalagiri as highly arbitrary, illegal, and high handed and pass such other orders in the interest of justice.

**Counsel for the Petitioner: MR.G.PEDDA BABU**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO : 11952 of 2005**

Between:

Smt. Paiboyana Nagavenkata Vara Lakshmi, W/o Venktaramaiah,
R/o D.No. 113211, Ward No. 30, Ramachandra Raopeta, T.P. Gudem,
West Godavari District.

**..... PETITIONER**

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary,
Endowments Department, Secretariat, Hyderabad.
2 The Assistant Commissioner of Endowments, Eluru, West Godavari

District.
3 Sri Ramalingeswara Swamy Temple, Rep. by its Executive Officer,
Nowduru (V), Veeravasaram Mandal, West Godavari District.rrict.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus by declaring that the Rules made in G.O.Ms.No. 379, Revenue Endowments. 1) Department dt. 11-3-2003 as unconstitutional and ultravires to Sec. 83 of the Act 30 of 87 and the consequential action of the 3rd respondent in issuing notice No.1 /2005-1 dt. 1-5-2005 to vacate the land within 30 days treating as encroacher in an extent of Ac. 1.70 cents in R.S.No. 121 of Nowduru (V), Veeravasaram (M), WEST GODAVARI District. by invoking the said rules as illegal, arbitrary and to pass necessary order or orders as this Hon'ble Court may deem fit.

**Counsel for the Petitioner : MR.YALLABANDI RAMATIRTHA**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

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**WRIT PETITION NO : 12059 of 2005**

Between:

1 Penumatsa Satyanarayana Raju S/o. Bangarraju
R/o Kummaragiri, Vayapulavaram Mandal, East Godavari District.
2 Penumatsa Venkata Subba Raju S/o. Chinna Venkata Raju
East Godavari District.
3 Alluri Venkateswara Raju S/o. Venkata Rama Ramju
East Godavari District.
4 Kothapalli Sarvanayudu S/o. Seshayya
East Godavari District.
5 Samisetti Lakshmana Rao S/o. Narayya
Sarpavaram, Kakinada, East Godavari District.
6 Vungarala Nagaraju S/o. Nageswara Rao
East Godavari District.

**..... PETITIONERS**

AND

1 The Government of A.P. Secretary Buildings, Rep. by its Principal

Secretary, Secretariat, Hyderabad.
2 The Commissioner of Endowments, East Godavari District..
3 The Founder's Family Member for Sree Malleswara Swamy Temple,

East Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the respondent No.3, in issuing impugned notices dt. 15-5-2005 under Rule 5(1) of G.O.Ms.No. 379 Revenue (Endowments IV) Department dt. 13-3-2003 by invoking the provision of Section 83 of the Act 30/1987 and the consequent proceedings as unconstitutional, ultravires the Section 83 of the Act 30/1987 and set

aside the same and declare that the proposed action of the respondents to evict the petitioners from the land to the extent of Ac.4.50 cents (wet land) in Sy.no. 148/2, Ac. 9.80 cents in Sy.No. 82/2, Ac.499 in Sy.No. 99/1, Ac.1.88 cents in Sy.No. 121/1, Ac. 0.27 in Sy.No. 121/17, Ac. 2.26 in Sy.No. 61/3 and 61/4, Ac.2.00 in Sy.No. 88/1 and Ac. 19.91 in Sy.No. 338/1 belonging to the 3rd Respondent situated at Kakinada, as being illegal, arbitrary and violative of fundamental rights guaranteed under the Constitution of India and pass such other order or orders as may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioners : MR.J.ASHVINI KUMAR**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

**WRIT PETITION NO : 12093 of 2005**

Between:

1 Kosaraju Koteswar Rao S/o. Ramaiah
Amarthalur Mandal, Guntur District.
2 Kosaraju Rambabu S/o. Koteswar Rao
Guntur District.
3 Kosaraju Sambasiva Rao S/o. Koteswar Rao
Guntur District.
4 Kosaraju Pramoda Devi W/o. Umamaheswar Rao
R/o. Thurumella Village, Amarthalur Mandal,Guntur District.
5 Sri Alla Sambasiva Rao S/o. Chinna Kotaiah
R/o. Thurumella Village, Amarthalur Mandal,Guntur District.

**..... PETITIONERS**

AND

1 The Government of Andhra Pradesh, Secretary Buildings,
Rep. by its Principal Secretary, Revenue (Endowments Department),
Secretariat, Hyderabad.
2 The Assistant Commissioner of Endowments, Guntur.
3 The Executive Officer, Dharma Cheruvu, Thurumella Village,
Amarthalur Mandal, Guntur District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondent No.3 in issuing impugned notices dt. 15-5-2005 under Rule 5(1) of G.O.Ms.No. 379 Revenue (Endowments IV) Department, dt. 11-3-2003 by invoking the provision of Section 83 of the Act 30/1987 and the consequent proceedings as unconstitutional, ultravires the Section 83 of the Act 30/1987 and set aside the same and declare that the proposed action of the respondents to evict the petitioners from the land to the extent of Ac. 9.92 cents in RS.No. 2/1 and 4/1 and to an extent of Ac. 3.59 & Ac. 4.01 cents of Thurumalla Village, Guntur District., as being illegal, arbitrary and violative of fundamental rights guaranteed under the Constitution of India and pass such other order or orders as may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioners : MR.J.ASHVINI KUMAR**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**The Court made the following :**

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITIONS No:

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4974, 18086, 21613, 21627, 21629, 21638, 21641, 21642, 21644, 21646, 21647, 21649, 22887, 23433, 23525, 24910 and 24911 **of 2004,** 7742, 7756, 7757, 8838, 8859, 9814, 9829, 9889, 9945, 9964, 10101, 10102, 10800, 10810, 11102, 11259, 11260, 11264, 11284, 11400, 11569, 11570, 11575, 11704, 11705, 11823, 11907, 11952, 12059 and 12093 **of 2005**.

**COMMON ORDER** : (per Hon'ble Sri Bilal Nazki, ACJ)

These are two sets of writ petitions raising same questions of

law and fact and hence, are being disposed of by this common order.

In certain writ petitions, Rule 5 of A.P.Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 (for short 'the Rules') has been challenged as illegal, arbitrary and *ultra vires* to the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'). In some of the petitions, notice issued under Rule 5 of the Rules has been challenged. The contentions of the petitioners in both the said sets of petitions are almost same.

In a batch of writ petitions filed before this Court, the constitutional validity of Section 82 of the Act was challenged. A learned single Judge of this Court held that Sub-section (1) of Section 82 of the Act was arbitrary and *ultra vires* of Articles 14 and 21 of the Constitution to the extent the lessees who are marginal or small farmers are not excluded from its effect. Sub-section (2) of Section 82 of the Act was declared to be unconstitutional. Appeal was taken and the Division Bench dismissed the appeal. Thereafter, the matter went to the Supreme Court. The Supreme Court reversed the decision of this High Court by a judgment reported in *State of Andhra Pradesh & others V. Nallamilli Rami Reddi & others*. The Supreme Court by its order, dismissed the writ petitions and reversed the judgment of the High Court. That means, Section 82 of the Act as it stood before the judgment of this Court in the Statute, remains. After the judgment of the Supreme Court, Rules were framed by virtue of G.O.Ms.No.379, Revenue (Endowments.I), dated 11.03.2003. A look at the Rules will be taken after referring to Section 82 of the Act.

Section 82(1) lays down;

> *"Any lease of agricultural land belonging to or given or endowed for the purpose of any institution or endowment subsisting on the date of commencement of this Act shall, notwithstanding anything in any other law for the time being in force, held by a person who is not a landless poor person stands cancelled."*

From a bare perusal of sub-section (1) of Section 82, it is clear that all leases which were subsisting on the commencement of the Act with respect to land endowed for the purpose of an institution or endowment, stood cancelled, which would in reality mean that all rights of tenancy with respect to agricultural land belonging to or given or endowed for the purpose of any institution or endowment, stood extinguished by operation of law. The exception was however, in sub-section (2), which lays down;

> *"In respect of leases of agricultural lands held by landless poor person for not less than six years continuously, such person shall have the right to purchase such lands for a consideration of seventy five per centum of the prevailing market value of similarly situated lands at the time of purchase and such consideration shall be paid in four equal instalments in the manner prescribed. Such sale may be effected otherwise than by tender-cum-public auction:*
>
> ***P**rovided that if such person fails to purchase the land in accordance with this sub-section or is unwilling to purchase the land, the lease shall be deemed to have been terminated.*
>
> ***Explanation :-** For the purpose of this sub-section "landless poor person" means a person whose total extent of land held by him either as owner or as cultivating tenant or as both does not exceed 1.011715 hectares (two and half acres) of wet land or 2.023430 hectares (five acres) of dry land and whose monthly income other than from such lands does not exceed two hundred and fifty rupees per mensum or three thousand rupees per annum. For the purpose of computing the extent of land 0.404686 hectares (one acre) of wet land shall be equal to 0.809372 hectares (two acres) of dry land."*

This exception however, does not save their tenancy, but gives landless poor persons a right to purchase such land for a consideration mentioned in the sub-section. It also provides that if such person fails to purchase the land in accordance with the sub-section, or is unwilling to purchase the land, the lease shall stand

terminated.

After the Supreme Court upheld the validity of Section 82, these Rules were framed by G.O.Ms.No.379 on 11.3.2003. These Rules have been framed in exercise of the powers conferred by Section 82 of the Act. Rule 3 lays down the method for determination of landless poor persons. Rule 3 is reproduced as under;

> *"**3. Determination of Landless poor person :-***
>
> 1. *Immediately after coming into force of these rules, if any cultivating tenant claims to be a landless poor person, the Assistant Commissioner having territorial jurisdiction shall enquire into and decide whether the cultivating tenant is a landless poor person as defined in Section 82 after giving a reasonable opportunity to the cultivating tenant and to the Executive Authority of the concerned institution or Endowment.*
>
> 2. *If the cultivating tenant does not claim to be a landless poor person or if the Assistant Commissioner concerned determines that the cultivating tenant is not a landless poor person, the tenancy will be deemed to have been cancelled with effect from 28.5.1987 and the cultivating tenant shall be regarded as a tenant holding over thereafter."*

An order passed under Rule 3 can be challenged by way of an appeal under Rule 4. Under Rule 5, which is the impugned Rule, a notice in Form No.1 annexed to the Rules has to be issued informing the tenant that his lease stood cancelled by virtue of the provisions of sub-section (1) of Section 82 of the Act and calling for handing over of the possession of the land available. In the case of the land held by the landless poor, a notice in terms of sub-section (2) of Section 82 can be given asking him for purchase of the land. In terms of Rule 7, leases can be created by public auction. Rule 5 has to be read along with Rule 3. However, the learned Counsel for the petitioners submitted that there cannot be any eviction without following Section 83 of the Act. It is submitted that if a person is deemed to be an

encroacher, then he has to be proceeded with in terms of Section 83 of the Act. Section 83 of the Act is part of Chapter XI of the Act, which deals with encroachments. It lays down;

> ***"83. Encroachments by persons on land or building belonging to charitable or religious institution or endowment and the eviction of encroachers :--***
>
> 1. *Where the Assistant Commissioner having jurisdiction, either suo motu or upon a complaint made by the trustee has reason to believe that any person has encroached upon (hereinafter in this Chapter referred to as 'encroacher') any land, building, tank, well, spring or water-source or any space belonging to the institution or endowment, wherever situated or deemed as an encroacher under any of the provisions of this Act, the Assistant Commissioner shall report the fact together with relevant particulars to the Deputy Commissioner having jurisdiction over the division in which the institution or endowment is situated.*
>
> ***Explanation :--*** *For the purpose of this Chapter the expression 'encroacher' shall mean any person who unauthorisedly occupy any land or building or space and deemed to include any person who is in occupation of the land or building or space without the approval of the competent authority sanctioning lease or mortgage, or licence and also a person who continues to remain in the land or building or space after the expiry or termination or cancellation of the lease, mortgage or licence in respect thereof granted to him or it.*
>
> *(2) Where, on a perusal of the report received by him under sub-section (1), the Deputy Commissioner finds that there is a prima facie case of encroachment, he shall cause to be served upon the encroacher a notice specifying the particulars of the encroachment and calling on him to show cause before a certain date why an order requiring him to remove the encroachment before the date specified in the notice should not be made. A copy of the notice shall also be sent to the trustee of the institution or endowment concerned."*

The contention of the learned Counsel for the petitioners is that where the Assistant Commissioner having jurisdiction, either *suo motu* or upon a complaint, has reason to believe that a person has encroached any land, building, tank, well, spring or water-source or any space belonging to an endowment, such Assistant

Commissioner shall report the matter to the Deputy Commissioner. The Deputy Commissioner, if on perusal of such reports, finds prima facie it as a case of encroachment, shall give a notice of show cause to such encroacher, requiring him to show cause as to why an order requiring him to remove the encroachment be not passed. It is the contention of the learned Counsel for the petitioners that under Section 83 of the Act, if a person is deemed to be an encroacher, he will have to be dealt with under sub-section (1) of Section 83 and the Deputy Commissioner will have to issue a notice in terms of sub-section (2) of Section 83. Since the present notices have been issued by persons other than the Deputy Commissioner and these notices are not notices to show cause, therefore these notices are *ultra vires* to Section 83 of the Act.

It is further submitted that Rule 5 of the Rules framed is equally *ultra vires* to Section 83. The High Court in earlier litigation and the Supreme Court in the judgment referred to above (1 supra), has dealt with the matter in detail. The tenants of the property of the endowments have been held to be a class in themselves and as such Section 83 would not apply to cases which are covered by Section 82 of the Act. In case of an encroachment, it is still open to the party to show that he was not in unauthorized occupation of the land belonging to the endowment, but under Section 82, all leases held on the relevant date, stood cancelled. Therefore, there is no question of encroachment. Persons who held leases under Section 82 of the Act, could not be termed as encroachers. They were valid leaseholders, but their leases stood cancelled by operation of law and therefore, the mechanism provided by Section 82 of the Act would apply and mechanism under Section 82 of the Act has been framed under the Rules. A determination has to be made in terms of Rule 3.

In all these cases, there is a finding by the competent authority that the petitioner was not a landless poor. Therefore, when there is a finding under Rule 3 that a particular person was not a landless poor, the land could be auctioned in terms of Rule 7. Mr.Murthy, Counsel

for petitioners further contended that whether a person is landless poor or not within the meaning of Section 82 of the Act, has to be determined. There is no dispute about such preposition and it has to be determined in accordance with Rule 3 and if anybody is aggrieved of an order passed under Rule 3, he has a right to appeal.

In some of the cases, we have seen that orders have been passed under sub-section (3) of Section 83 of the Act. For the reason that Section 83 deals with encroachments and persons holding land under Section 82 cannot be termed as encroachers, we are of the view that Section 83 of the Act would not apply to such persons and we may however, add that if any petitioner believes that he is a landless poor person, he has to make a claim under sub-rule (1) of Rule 3. Similarly, if any such claims have been made and have not been decided, the authorities shall not proceed with auctioning the lands without passing an order on those representations in terms of Rule 3. However, if orders have been passed against the petitioners on representations made under Rule 3, they have an alternative remedy of filing appeals under Rule 4. In the interest of justice we grant them three weeks from today to file appeals and in such cases status quo shall be maintained for three weeks.

For the reasons given hereinabove, we do not find Rule 5 of the Rules *ultra vires*. Therefore, the writ petitions to that extent are dismissed.

The writ petitions challenging the notice under Rule 5, are disposed of in accordance with the directions given hereinabove. No order as to costs.

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BILAL NAZKI, ACJ

24th June 2005

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G. CHANDRAIAH, J

ajr

N.B: --

Office shall place this order in each bundle of this batch,

after the signatures of their Lordships.

1 The Secretary, Endowments Department, Government of A.P.,

Secretariat, Hyderabad.

2 The Commissioner (Endowments), Government of A.P., Secretariat,

Hyderabad

3 The Assistant Commissioner (Endowments), West Godavari District.

4 The Person-in-Charge, Sri Kapila Malleswareawamy Temple

Malleswaram, West Godavari District.

5 The Deputy Commissioner (Endowments), Kakinada, East Godavari

District.
6 The Assistant Commissioner (Endowments), Eluru, West Godavari

District.
7 The Executive Officer, Sri Someswara Janrdhanawamy Temple,

Gunupudi, Bhimavaram, West Godavari District.

8 The Manager, Sri Agasteswaraswamyvari Templec, Vadali,

Penugonda Mandal, West Godavari District.

9 The Manager, Sri Visweswara & Vignaswaraswamy Temple,

Rapaka, Iragararam Mandal, West Godavari District.

10 The Manager, Sri Ramalingaswaraswami Temple, Kanuru

Agraharam, West Godavari District.

11 The Commissioner, Endowments Department, Government of A.P.,

Boggulankunta, Tilak Road, Hyderabad.
12 The Executive Officer, Feeding Choltry, Rajanagaram Village and

Mandal, East Godavari District..

13 The Regional Joint Commissioner, Multi Zone-I, Endowments

Department, Kakinada, East Godavari District..
14 The Assistant Commissioner of Endowments, Rajahmundry,
East Godavari District.
15 The Executive Officer/Manager Sri Uma Sivalingeswara Swamy

Temple Sivakodu, Razole Mandal, East Godavari District.

16 The Executive Officer/Manager Sri Someswara Swamy Temple

Palagummi, Razole Mandal, East Godavari District.

17 Sri Shyamalamba Ammavari Temple, Velugubanda, Rajanagaram

Mandal, East Godavari District, Rep. by its Managing Trustee.

18 The Manager, Sri Rameswara Swamy Temple, Natta Rameswaram,
Penumantra Mandal, West Godavari District.
19 The Regional Joint Commissioner, Endowments Department,

Ramaraopeta, Kakinada, East Godavari District.

20 The Manager, Sri. Kesavaswamy & Mahalakshmi Ammavari Temple,

Tanuku, West Godavari District.

21 The Person-in-Management, Sri Seetharama Swamy Temple,

Pothavaram, Nallajerla Mandal, West Godavari District.

22 The Executive Officer, M.S.N. Charities, Jagannadhapuram,
Kakinada, East Godavari District.

23 The Executive Officer, Gowthami Jeevakarunya Sangham,
Rajahmundry, East Godavari District.

24 The Manager, Sri Bhaje Narayana Swamy Devasthanam, Vadisaleru

Village, Rangampet Mandal, East Godavari District.

25 The Manager, Sree Kesava Swamy group Temples,

Pandithavilluru, Poduru Mandal. West Godavari District.

26 The Manager, Sree Visweswara Swamy vari Temple,
Almuru Village, Penumantra Mandal, West Godavari District.

27 The Manager, Sri Muktheswara Swamy Temple, Muktheswram,

Inavilli Mandal, East Godvari District.

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28 The Manager, Sri. Janardhana Swamy Temple, Mandapata

Town & Mandal, East Godavari District.

29 The Manager, Sri Nagareswara Mahishashura Mardhani, Sri Vasavi

Kanyaka Parameswari Temple, Penugonda.

30 The Executive Officer, Sri Kailaseswaraswamy Vari Temple, Avidi

Village, Kothapeta Mandal, East Godavari District.

31 The Executive Officer, Sri Pattabhiramaswamy Vari Temple, Avidi

Village, Kothapeta Mandal, East Godavari District.

32 The Executive Officer, Sri Katlamma Ammavari Temple, Avidi Village,

Kothapeta Mandal, East Godavari District.

33 The Manager, Sri Madanagopalaswamy Vari Devathanam,
Danguru, K.Gangavaram Mandal East Godavari District.

34 The Manager, Sri Bandaru Perammagari Swamygari Annadana

Samajam, East Godavari District..

35 The Manager, Sri Kodandarama Swamy Vari Devastanam,

Veeravarm, Kadiam Mandal, East Godavari District.

36 The Manager, Sri Ramalingeswara Swamy Vari Devastanam,

Veeravarm, Kadiam Mandal, East Godavari District.

37 The Manager, Sri Palivela Dharma Satram,
Palivela Village, Kothapet Mandal East Godavari District.

38 The Assistant Commissioner of Endowments, Rajahmundry, East

Godavari District.

39 The Executive Officer, Sri Bhimeswara Swamy Vari Devasthanam,

Drasksaramam, East Godavari District.

40 The Assistant Commissioner of Endowments,
Visakhapatnam.

41 The Chairman, Trust Board of Sri Nagneswara Swamy Vari Temple,

Dirrili Village , Rambilli Mandal, Visakhapatnam District.

42 The Executive Officer, Visweswaraswamivari Devasthanam
Dwarapudi (V) Mandapeta Mandal, East Godavari District..

43 The Executive Officer, Rajyalakshmi Ammavaru Devasthanam,
Dwarapudi Village, Mandapeta Mandal, EAST Godavari District..

44 The Manager, Sri Sitarama Swamy Temple, Pathapedapadu,

Pedapadu Mandal, West Godavari District.

45 The Executive Officer/Manager of Sri Lakshminarasimha swamy vari

Temple, Mangalagiri, Guntur District.

46 The Asst. Commissioner of Endowments, Guntur, Guntur District.

47 The Executive Officer, Sri Ramalingeswara Swamy Temple,
Nowduru (V), Veeravasaram Mandal, West Godavari District.rrict.

48 The Founder's Family Member for Sree Malleswara Swamy Temple,

East Godavari District.

49 The Executive Officer, Dharma Cheruvu, Thurumella Village,
Amarthalur Mandal, Guntur District.

50 Two C.Cs. to the GP for Endowments, High Court of A.P.

buildings, Hyderabad (OUT)

51 Two C.D. copies.